

JOHN P. SOLTIS (3040)
Assistant Utah Attorneys General
MARK L. SHURTLEFF (4666)
Utah Attorney General
Attorneys for Defendants
160 East 300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0100
Facsimile: (801) 366-0150

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JAMES HOSTETTER., Plaintiff, v. STATE OF UTAH, et al., Defendants.	MOTION FOR SUMMARY JUDGMENT Case No. 2:07CV00197 Judge Ted Stewart
--	--

Defendants, Blake Nielsen, Daniel Sparks, James Bible, Paul Rasmussen, Dave Wolfe, and Elizabeth Smith, by and through Assistant Utah Attorney General John Paul Soltis, respectfully move the Court for Summary Judgment on all of Plaintiff's claims.

This Motion is based on the following:

1. It was not within the defendants responsibility to prescribe or deliver Hostetter's pain medication, and therefore not an Eighth Amendment violation,
2. Inmate James Hostetter fails to prove that the defendants violated his Eighth Amendment rights in denying him access to the gym during the time Hostetter requested,

3. The points and authorities in Defendants' Memorandum in Support of Summary Judgment.

DATED this 15th day of January, 2010.

MARK L. SHURTLEFF
Utah Attorney General

/s/ John Paul Soltis
JOHN PAUL SOLTIS
Assistant Utah Attorney General
Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that on January 15, 2010, the foregoing, **MOTION FOR SUMMARY JUDGMENT**, was electronically filed using the court's CM/ECF system, and I mailed a true and correct copy by U.S. mail, postage prepaid, to the following non CM/EDF participants:

James Hostetter #18993
Utah State Prison
PO BOX 250
Draper, Utah 84020

/s/